

For Other Than A Small Entity

VPI/00-114 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Jeffrey E. Russel  
Group Art Unit: 1654  
Applicants: Julian M.C. Golec, et al.  
Application No.: 09/863,649  
Confirmation No.: 1044  
Filed: May 23, 2001  
For: CASPASE INHIBITORS AND USES THEREOF

Cambridge, Massachusetts  
May 5, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ a Reply to Office Action; ☒ Exhibit A; ☒ a Petition for Extension of Time; ☐ a substitute Specification; ☐ a Declaration; ☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; ☒ Notice of Appeal; to be filed in the above-identified patent application.

Applicants: Golcc, et al.  
 Application No.: 09/863,649  
 Page 2

# FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☒ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	38	-	17 * = 21	X \$ 18 =	\$ 378.00
INDEPENDENT CLAIMS	6	-	2 ** = 4	X \$ 86 =	\$ 344.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$290 =	\$ 290.00
				TOTAL	<u>\$1,012.00</u>

\* If less than 20, insert 20.

\*\* If less than 3, insert 3.

☐ A check in the amount of \$\_\_ in payment of the filing fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Applicants: Golec, et al.  
Application No.: 09/863,649  
Page 3

☒ Please charge \$1,012.00 to Deposit Account No. 50-0725 in payment of the filing fee.  
A duplicate copy of this transmittal letter is transmitted herewith.

#### EXTENSION FEE

- ☒ The following extension is applicable to the Response filed herewith; ☒ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$420.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$950.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,480.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,010.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$110.00; ☐ \$420.00; ☐ \$950.00; ☐ \$1,480.00; ☐ \$2,010.00 in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.
- ☒ Please charge the extension fee in the amount of \$530.00 to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.



Lisa A. Dixon  
Reg. No. 40,995  
Attorney for Applicants  
VERTEX PHARMACEUTICALS INCORPORATED  
130 Waverly Street  
Cambridge, MA 02139  
Tel.: (617)444-6396  
Fax.: (617)444-6483

PTO/SB/31 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

VPI/00-114 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450"

On \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_

In re Application of

Julian M. C. Golec

Application Number

09/863,649

Filed

May 23, 2001

For Caspase Inhibitors &amp; Uses Thereof

Art Unit

1654

Examiner

Jeffrey E. Russel

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0725. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 40,995

☐ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

Signature

Lisa A. Dixon

Typed or printed name

(617) 444-6396

Telephone number

May 5, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.